

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

OTIS R. ELION,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 17-cv-892-JPG

Criminal No 06-cr-40061-JPG &
16-cr-40046-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on petitioner Otis R. Elion's motion to reinstate his motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255, which the Court declined to entertain while the appeal of his criminal conviction was pending (Doc. 5). Elion has not presented any reason under Federal Rule of Civil Procedure 60(b) that would justify vacating that judgment. Additionally, the motion already on file, which was drafted prior to the conclusion of his criminal appeal, is inaccurate with respect to the stated disposition of that appeal. The Court therefore **DENIES** his motion to reinstate (Doc. 5). However, since Elion's appeal has concluded, he is free to file a new § 2255 motion. To assist him, the Court **DIRECTS** the Clerk of Court to send him a copy of his original petition (Doc. 1), the memorandum in support (Doc. 2) and a new § 2255 form.

IT IS SO ORDERED.

DATED: October 31, 2017

s/ J. Phil Gilbert

**J. PHIL GILBERT
DISTRICT JUDGE**